

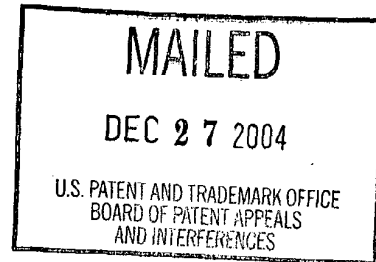
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte MATTHEW R. KASER,
YALDA AZIMZAI, and
HENRY YUE

Application No. 09/838,044



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 2, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate the Miller and Shafat references relied on by the Examiner in the Examiner's Answer (page 3) mailed May 5, 2004.

Accordingly, it is

ORDERED that the application is returned to the Examiner to: (1) provide a complete copy of the Miller and Shafat references, (2) have a complete copy of both references scanned into the IFW file, and (3) for such further action as may be appropriate.

Application No. 09/838,044

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



Kimberly Jordan
Program and Resource Administrator
(571) 272-9797

Incyte Corporation
Experimental Station
Route 141 & Henry Clay Road
Bldg. E336
Wilmington, DE 19880

RA05-0076
dem